



PRESS RELEASE

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Round Table On Effective Enforcement Of The Intellectual Property Protection Rules

On Tuesday 8 July, a round table discussion on proposed legislative changes on the enforcement of Intellectual Property Protection took place in Bishkek. The round table was organized by the Kyrgyz Ministry of Economic Development and Trade, in cooperation with the State Patent Service, the USAID Trade Liberalization and Customs Reform Project, and the American Chamber of Commerce. It included representatives of relevant agencies of the Government of Kyrgyzstan, the Association of Intellectual Property Rightholders of Kyrgyzstan, the American Chamber of Commerce, and local businesses.

Effective enforcement of the intellectual property protection rules of the WTO Agreement on Trade Related Intellectual Property Rights is among the commitments that Kyrgyzstan accepted when it joined the WTO in 1998. At the round table, representatives of the ministry and the State Patent Agency pointed out that Kyrgyzstan has made significant progress in adopting legislation on intellectual rights protection, including the Copyright Law, the Patent Law, and the Trademark Law.

However, when it comes to enforcement measures, Kyrgyzstan legislation is quite deficient. The WTO agreement requires sufficient, fair, and deterrent enforcement measures, including administrative, civil, border, and criminal procedures and penalties. The Government must have an authority to seize, forfeit, and destroy counterfeit and pirated products, as well as the equipment used for their production. Judges must have an express authority to issue injunctions for seizure, forfeiture, and destruction of such goods. Professor Tolesh Kaudyrov, Head of the Law Department at the Eurasian National University in Kazakhstan, noted that current enforcement the intellectual property protection laws in Kyrgyzstan create the most favorable conditions for copyright and trademark pirates by making it virtually impossible for legitimate right-holders to enforce their rights. He said that the removal of some of the enforcement law provisions in recent years has served as a "step backwards" in the area of enforcement. Professor Kaudyrov emphasized that the requirements of the WHO agreement are mandatory for every member country, and that such a change was a direct violation of Kyrgyzstan's WTO commitments.



Professor Tolesh Kaudyrov, Head of the Law Department at the Eurasian National University in Kazakhstan, gives interview to the Kyrgyz TV company after the roundtable in Hyatt on July 08, 2008. Photo: RTLC

The round table proposed to reinstate the recently removed provisions, as well as make various other legislative changes. The proposed amendments provoked lively discussions among the round table participants, demonstrating how acute the problems are and how imperative is the need for immediate action.



This round table meeting is one of the many activities supported in Kyrgyzstan by the United States Agency for International Development (USAID). Since 1992, the American people, through USAID, have provided nearly \$400 million in programs that assist the development of Kyrgyzstan's economic sector, healthcare system, and democratic institutions. USAID operates under a bilateral agreement with the Government of the Kyrgyz Republic, and is the largest single-country donor organization in Kyrgyzstan.

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